

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CRAIG CAMPBELL,

Plaintiff,

v.

CITY OF NEW KENSINGTON,  
DONALD E. BOWERS, JOHN W.  
REGOLI JR., MICHAEL J. LANGER  
DOUGLAS J. AFTANAS, FRANK E.  
LINK JR., RICHARD JACOBUS,  
CHARLES FORMAN, CHRISTOPHER  
E. NICHOLS,

Defendants.

Civil Action No. 05-0467

District Judge Joy Flowers Conti  
Magistrate Judge Lisa Pupo Lenihan

**ORDER**

On March 8, 2006, this Court entered a Report and Recommendation (Doc. No. 30) recommending that Defendant Christopher Nichols' Motion to Dismiss Second Amended Complaint at Doc. No. 26 be denied. On March 10, 2006, at Doc. No. 31, Defendant Christopher Nichols filed a Notice of Withdrawal of his Motion to Dismiss at Doc. No. 26. This Court shall interpret this Notice as a Motion to Withdrawal Defendant Nichols' Motion to Dismiss Second Amended Complaint, and rescinds its Report and Recommendation at Doc. No. 30. It is hereby **ORDERED** that Defendant Nichols' Motion to Withdraw at Doc. No. 31 is GRANTED.

**IT IS FURTHER ORDERED** that in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)(A), and Local Rule 72.1.3, the parties are allowed ten (10) days from the date of service to file an appeal from this order to the District Court. Any opposing party shall have

seven (7) days from the date of service of the appeal to respond thereto. Failure to timely file an appeal may constitute a waiver of any appellate rights.

A handwritten signature in black ink, appearing to read 'L. P. Lenihan', is written over a horizontal line.

LISA PUPO LENIHAN  
United States Magistrate Judge

Dated: March 29, 2006

cc: The Honorable Joy Flowers Conti  
United States District Judge

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